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May 15, 2014

VIA FIRST CLASS MAIL and EMAIL (info@marksklein.com)

JoyAnn Kenny, Esq.
 Marks & Klein, LLP
 63 Riverside Avenue
 Red Bank, New Jersey 07701

Re: Our File: 15154.0033
NJTA v. Jersey Boardwalk Pizza

Dear Ms. Kenny:

We are in receipt of your letter dated April 24, 2014 in connection with the above-referenced matter.

It should come as no surprise that we do not agree with any of the arguments set forth in your letter. There is simply no question that a likelihood of confusion exists as a result of your client's use of a logo mark that was adopted solely to evoke the fame and goodwill associated with our client's iconic Garden State Parkway Logo. There is obviously no question that the structure, color scheme and design elements of your client's logo were intentionally and identically copied from the Garden State Parkway Logo. This is especially apparent as your client's entire branding and marketing scheme is designed to invoke the State of New Jersey and in particular the New Jersey Shore area (which is a part of the State of New Jersey that is primarily accessed by consumers via the Garden State Parkway). To wit, the name of your client's business is "Jersey Boardwalk Pizza," the slogan used on your client's site is "Authentic Italian Food From Jersey!," your client's website contains extensive text that associates your client's business with New Jersey and your client's website features prominent images from the New Jersey shore. Our client's iconic Garden State Parkway Logo has been in use since 1956 and is unquestionably famous and entitled to a wide scope of protection. As such, your client's

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logo mark is confusingly similar to our client's registered mark and the use of this mark must be discontinued.

We appreciate you bringing to our attention United States Service Mark Registration No. 4,056,183 for the mark BOARDWALK PIZZA and design owned by Boardwalk Pizza, Inc. Our investigation did not initially uncover this registration, in part, because it is owned by a different entity (Boardwalk Pizza, Inc.) as opposed to the entity identified on your client's website (Boardwalk Franchising Company d/b/a Jersey Boardwalk Co.). In addition, this registration covers a mark that differs from the mark depicted on your client's website, BOARDWALK PIZZA and design v. JERSEY BOARDWALK PIZZA and design. Needless to say, your client will have to Surrender this registration in order to resolve this matter and we will Petition to Cancel this registration if it does not immediately agree to do so.

Your reliance upon alleged differences between the respective goods and services to demonstrate a lack of consumer confusion is equally unconvincing. As set forth above, our client's iconic Garden State Parkway Logo mark is entitled to a wide scope of protection and therefore can easily bridge any gap between the respective goods and services. Moreover, there are many service areas along the Garden State Parkway that include restaurants, many of which feature pizza. As such, consumers who encounter your client's mark as used in connection with its restaurant services will mistakenly assume that your client's use of the mark is authorized by NJTA and/or that the food items served at your client's restaurant are associated with the food served at the restaurants located at the service areas on the Garden State Parkway.

In your letter you incorrectly assert that NJTA's Garden State Parkway Logo is "entirely un-policed." Nothing could be further from the truth. NJTA has and continues to successfully police its mark against any and all infringing third party uses that it becomes aware of. The fact that these policing efforts have not been reported by the media is of no consequence and we are fully prepared to demonstrate our client's successful policing efforts if forced to institute litigation against your client.

Finally, your statement that "the New Jersey Turnpike Authority's pursuit of this matter is an unnecessary, fruitless and unwarranted waste of public resources" completely misses the mark. Your client has willfully adopted a logo mark solely designed to trade off our client's well-established goodwill and our client has no other choice but to enforce its trademark and service mark rights against this blatantly infringing use.

We hereby reiterate all of our client's demands set forth in our initial letter. If your client does not cooperate and comply with our demands, our client will have no other choice but to commence legal action against your client.

We trust that your client will be guided accordingly.

Sincerely,



Peter E. Nussbaum

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